

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Dana Fetherson,

Plaintiff,

v.

Lieutenant Monty Lee Blackmon,

Defendant.

C/A No. 0:16-3189-JFA-PJG

ORDER

Plaintiff Dana Fetherson (“Plaintiff”), proceeding *pro se*, brought this action pursuant to 42 U.S.C. § 1983. Plaintiff alleges that Defendant improperly obtained an arrest warrant for him, lied to a grand jury about witnessing him murder Jason Burgess, and therefore, caused Plaintiff to emotionally and mentally suffer.

Defendant filed a motion for summary judgment on September 18, 2017. By order issued on September 19, 2017, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the procedure in regards to the Motion for Summary Judgment and the possible consequences if he failed to respond adequately to Defendant’s Motion. (ECF No. 113). After requesting two extensions of time, Plaintiff filed a response to Defendant’s Motion on December 20, 2017. Defendant replied on December 27, 2017.

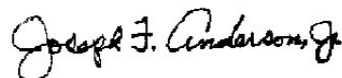
The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation and opines that this Court should grant Defendant's Motion for Summary Judgment as to Plaintiff's § 1983 Claims and should decline to exercise supplemental jurisdiction over Plaintiff's state law claims. (ECF No. 128). The Report sets forth in detail the relevant facts and standards of law on this matter, and the Court incorporates such without a recitation.

The Plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on March 8, 2018. However, the Plaintiff did not file objections, and the time to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the Magistrate's recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation. (ECF No. 128). Defendant's Motion for Summary Judgment is granted as to Plaintiff's § 1983 claims. (ECF No. 110). Furthermore, this Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims.

IT IS SO ORDERED.

March 27, 2018
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).